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PACIFIC SUNWEAR OF CALIFORNIA, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

PACIFIC SUNWEAR OF
CALIFORNIA, INC., a California
corporation,

Plaintiff,

v.

KIRA PLASTININA STYLE, LTD.,
a Russian limited liability entity, and
KP FASHION COMPANY, a
Delaware corporation,

Defendants.

Case No. SACV 08-1141-JVS(ANx)

**PLAINTIFF PACIFIC SUNWEAR OF
CALIFORNIA, INC.'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

Judge: Hon. James V. Selna
Ctrm: 10C
Date: December 8, 2008
Time: 1:30 p.m.

TO THE ABOVE-CAPTIONED COURT, DEFENDANTS, AND THEIR
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at 1:30 p.m. on December 8, 2008, or as
soon thereafter as this matter may be heard in the Courtroom of the Honorable
James v. Selna of the United States District Court for the Central District of
California, located at 411 West Fourth Street, Santa Ana, California 92701,
Plaintiff PACIFIC SUNWEAR OF CALIFORNIA, INC. ("Pac Sun") will and
hereby does move for a preliminary injunction pursuant to Rule 65 of the Federal
Rules of Civil Procedure to restrain and enjoin Defendants KIRA PLASTININA

1 STYLE, LTD. and KP FASHION COMPANY (collectively, "Defendants") as
 2 well as their agents, servants, employees, attorneys, and all those in active concert
 3 with them from engaging in, committing, or performing, directly or indirectly, all
 4 of the following acts:

- 5 a. using "KIRA" or "KIRA PLASTININA" as a trademark, trade name,
 6 or service mark for the retail and/or Internet sale of apparel,
 7 accessories, perfume, sunglasses, or footwear or in connection with
 8 any store branding or naming, product branding or naming,
 9 advertising, promotions, solicitations or Internet use for such business,
 10 services, or goods, or any confusingly similar mark, or any colorable
 11 imitations thereof;
- 12 b. using "KIRA" or "KIRA PLASTININA" in any audible
 13 advertisements, media promotions, or in any Internet postings
 14 containing audio over which Defendants have control, including but
 15 not limited to YouTube.com video postings;
- 16 c. performing or allowing any act or thing which may to dilute by
 17 tarnishment the distinctive quality of Pac Sun's trademarks for
 18 "KIRRA" registered with the United States Patent and Trademark
 19 Office, including but not limited to Trademark Registrations for the
 20 KIRRA word mark, Nos. 2,893,488; 2,986,176; and 2,841,810
 21 ("KIRRA Marks") or otherwise injure Pac Sun's business reputation
 22 or goodwill; and/or,
- 23 d. engaging in federal or state trademark infringement, trademark
 24 dilution by tarnishment, false designation of origin and unfair
 25 competition, which would damage or injure Pac Sun.

26 This Motion is made on the grounds that: (1) Pac Sun is likely to prevail on
 27 the merits of its various state and federal claims against Defendants, as set forth in
 28 its Complaint in this matter; (2) there is a substantial, obvious, and continuing

1 likelihood of immediate and irreparable injury to Pac Sun if Defendants are not
2 preliminarily enjoined from the above-listed conduct; and, (3) the balance of
3 hardships weighs in favor of Pac Sun.

4 This Motion is based on this Notice, the accompanying Memorandum of
5 Points and Authorities, the declarations filed concurrently herewith, and all
6 documents on file with the Court in this matter, all matters of which the Court
7 may take judicial notice, and such oral argument as the Court may entertain at a
8 hearing on this Motion.

9 Dated: November 13, 2008

GORDON & REES LLP

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11 /s/ Matthew D. Murphey
12 Matthew D. Murphey
13 Kimberly D. Howatt
14 Lindsay J. Hulley
15 Attorneys for Plaintiff
16 PACIFIC SUNWEAR OF
17 CALIFORNIA, INC.
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